

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 19**

Introduced by Christensen, 44.

Read first time January 8, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to marriage licenses; to amend section 33-110,  
2 Reissue Revised Statutes of Nebraska, and section 71-614,  
3 Revised Statutes Cumulative Supplement, 2008; to change  
4 provisions relating to fees for marriage licenses as  
5 prescribed; to provide requirements for optional marriage  
6 education; to provide duties for county clerks; to  
7 provide an operative date; and to repeal the original  
8 sections.

9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 33-110, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           33-110 (1) County clerks shall receive no fee for the  
4 performance of the following services: For issuing certificates  
5 of election; for performing the duties of clerk of the county  
6 board; for taking acknowledgments of claims against the county; for  
7 attesting or certifying any document authorized by the county board  
8 or required by the departments of the state; or for recording Army  
9 or Navy discharges or furnishing certified copies thereof to be  
10 used in connection with any claim for compensation or disability. A  
11 charge of twenty-five cents shall be made for any other certificate  
12 and seal unless otherwise provided. The fees collected shall be  
13 credited to the county general fund.

14           (2)(a) Except as provided in subdivision (b) of this  
15 subsection, county County clerks shall receive a fee of ~~fifteen~~  
16 seventy-five dollars for the entire proceedings of issuing a  
17 marriage license, administering the related oaths or affirmations,  
18 and recording a marriage certificate.

19           (b) County clerks shall receive a fee of fifteen  
20 dollars for the entire proceedings of issuing a marriage license,  
21 administering the related oaths or affirmations, recording a  
22 marriage certificate, and recording a certificate of completion  
23 of marriage education as provided for in section 2 of this act.

24           (c) An additional fee of five dollars shall be made for  
25 each certified copy of a marriage record on file in the office

1 of the county clerk. ~~Both such fees~~ Fees collected under this  
2 subsection shall be deposited in the county general fund.

3           Sec. 2. (1) Except as provided in subsection (2) of this  
4 section, any couple or one person of a couple seeking a marriage  
5 license in the State of Nebraska shall apply in person with a  
6 county clerk at least ten days before the date on which the couple  
7 intends to marry. Such license is not valid until the tenth day  
8 after application is made.

9           (2) (a) If the county clerk is presented with a  
10 certificate of completion of marriage education pursuant to  
11 subsection (5) of this section at the time of application, the  
12 waiting period shall be waived and the county clerk shall record  
13 such certificate; or

14           (b) If the county clerk is presented with evidence of  
15 compelling circumstances, including, but not limited to, terminal  
16 illness, imminent transfer to a combat zone, or any other  
17 circumstance in which the waiting period would be an excessive  
18 burden upon the couple, a county judge may grant a waiver of the  
19 waiting period.

20           (3) Marriage education may be provided by any of the  
21 following:

22           (a) An official representative of a religious institution  
23 or his or her designee;

24           (b) Any member of the clergy authorized to perform  
25 marriages, or his or her designee, including mentor couples or

1 other lay volunteers if they are working in a clergy-supervised  
2 program;

3 (c) A school, college, university, or nonprofit community  
4 organization;

5 (d) Any marriage education provider or program approved  
6 by the person performing the marriage; or

7 (e) A provider of counseling services that is licensed as  
8 such in this state, including a psychologist or a psychiatrist.

9 (4) Marriage education shall consist of at least eight  
10 hours of instruction including, but not limited to, the following  
11 topics:

12 (a) Conflict management in marriage;

13 (b) Communication skills;

14 (c) Financial management; and

15 (d) Parenting skills.

16 (5) (a) The Department of Health and Human Services shall  
17 create a certificate of completion of marriage education to be  
18 available at all county clerk offices in the state for use by  
19 providers of marriage education. Such certificate shall include the  
20 following information: (i) The name of the entity or individual  
21 providing the marriage education; (ii) the name, address, telephone  
22 number, and signature of the individual provider if different from  
23 subdivision (i) of this subdivision; (iii) the name and signature  
24 of the designee or representative of the provider, if any; (iv) the  
25 names and signatures of the couple; (v) the date of completion of

1 the marriage education; and (vi) the fact that the certificate of  
2 completion expires two years from the date of completion.

3 (b) When a county clerk provides a certificate of  
4 completion of marriage education to any provider of such education,  
5 he or she shall record the name, address, and telephone number  
6 of the entity or individual provider in a public directory. The  
7 provider or a representative of the provider shall sign the record  
8 attesting to the accuracy of such information.

9 Sec. 3. Section 71-614, Revised Statutes Cumulative  
10 Supplement, 2008, is amended to read:

11 71-614 (1) On or before the fifth day of each month,  
12 the county clerk of each county shall return to the department  
13 upon suitable blank forms, to be provided by the department, a  
14 statement of all marriages recorded by him or her during the  
15 preceding calendar month and a statement of all certificates of  
16 completion of marriage education recorded by him or her pursuant  
17 to section 33-110 during the preceding calendar month. If no  
18 marriages were performed in the county during the preceding month,  
19 a card furnished by the department indicating such information  
20 shall be submitted on or before the fifth day of each month to  
21 the department. Upon neglect or refusal to make such returns,  
22 such county clerk shall, for each such neglect or refusal, forfeit  
23 and pay the sum of twenty-five dollars for the use of the  
24 proper county, to be collected as debts of like amount are now  
25 collectible.

1           (2) As soon as possible after completion of an amendment  
2 to a marriage license by the department, the department shall  
3 forward a noncertified copy of the marriage license reflecting the  
4 amendment to the county clerk of the county in which the license  
5 was filed. Upon receipt of the amended copy, the county clerk shall  
6 make the necessary changes on the marriage license on file in his  
7 or her office to reflect the amendment.

8           Sec. 4. This act becomes operative on January 1, 2010.

9           Sec. 5. Original section 33-110, Reissue Revised Statutes  
10 of Nebraska, and section 71-614, Revised Statutes Cumulative  
11 Supplement, 2008, are repealed.